

in the Article III Judicial
district court of the United States
for the district of columbia

Philip Delgrosso, *sui juris*, }
a man, an Act of God, and }
a foreign and immune state }
Complainant }
v }
U.S. Department of Justice, }
et.al., }
Respondents }
Case:1:19-cv-01567
Assigned To: Unassigned
Assign. Date: 5/24/2019
Description: Pro Se FOIA (I DECK)

DEMAND FOR INJUNCTION FOR SPECIFIC PERFORMANCE
AND SUMMARY JUDGMENT

1. Philip Delgrosso (Delgrosso) makes a Special Appearance as a *sui juris* living and breathing man, an Act of God, and a foreign and immune state as evidenced by his Notices of Status on the record in the U.S. Court of Appeals in St Louis and elsewhere. He hereby categorically denies any presumption that he is a statutorial "person", or artificial entity created by the UNITED STATES OF AMERICA (USA), the U.S. Department of Justice (DOJ), or any of their political subdivisions.
2. Delgrosso made a Freedom of Information Act (FOIA) request to the Respondents via USPS Certified Mail (See Exhibit 1) that was received by their agent Roy Lathrop on October 15, 2018 (See Exhibit 2, USPS Proof of Delivery).
3. The venue provisions of both the Privacy Act and the FOIA identify the district court in the district of columbia as a proper venue for such claims. Additionally, a "foreign state" such as Delgrosso can be afforded

redress and remedy in an appropriate Article III Court such as this, and no statutorial, war powers courts of law.

4. FOIA is premised on the notion that "an informed citizenry is vital to the functioning of a democratic society...and needed to check against corruption and to hold the government accountable to the governed." The Act embodies a "general philosophy of full agency disclosure."
5. On October 18, 2018 Complainant Delgrossos received a response to the aforementioned FOIA request from the Respondents with the assigned FOIA/PA Request Number 2019-00341 (See Exhibit 3). This notice asserted that the agency was extending its 10 day statutory response time "up to three months" because the records had to be "collected from a field office".
6. Complainant Delgrossos alleges that the Respondents made an agreement, which constitutes a contract, to provide the FOIA information within three months time, and that they have breached that agreement by their non compliance and non performance over a seven month time span. The Respondents have not provided the Complainant with a scintilla of disclosable information, nor has any reason been given by the Respondents for such failure, which constitutes default, breach of contract, and breach of trust.
7. Summary Judgment is appropriate where the record shows that there is no genuine issue of material fact and the movant (Complainant) is entitled to judgment as a matter of law. "FOIA cases are typically and appropriately decided on motions (demands) for summary judgment."
8. Statutorial "citizens of the United States" make motions, requests,

and prayers; sovereign and immune foreign states such as Delgrossos make demands and issue ORDERS.

ORDER

9. Complainant Delgrossos hereby directs the Court to issue an ORDER mandating that the Respondents provide the aforementioned FOIA information to the Complainant as lawfully required within 30 days of receipt of this DEMAND. In the alternative, the Court is ORDERED to issue a Writ of Injunction to the Respondents mandating that they immediately cease their unlawful behavior and provide said FOIA to the Complainant. The court is further ORDERED to issue a Notice of Summary Judgment for the Complainant regarding this matter.

FOOTNOTES

10. Paragraph #3 See 5 USC § 552(g)(5)(Privacy Act); 5 USC § 552 (a)(4) (B)(FOIA).
11. Paragraph #4 See NLRB v Robbins Tire Rubber Co, 437 US 214, 242, 98 S.Ct. 2311, 57 LEd. 2d 159 (1978). See US Dept of Def. v Fed Labor Relations Auth, 510 US 487, 494. 114 S.C. 1006, 127 L Ed 2d 325 (1994).
12. Paragraph #12 See FRCP 56(a) Celox Corp v Cat rel, 477 US 317, 322, 106 S.Ct. 2548, 91 L Ed 265 (1986); Waterhouse v District of Columbia, 298 F. 3d 989, 991, 353 US App DC 205 (D.D.C. 2012). See also Georgacarakos v FBI, 908 F. Supp 2d 176, 180 (D.D.C. 2012).
13. Paragraph # 3 Delgrossos asserts a lack of diversity of citizenship.

CERTIFICATE OF SERVICE

Philip Delgrosso, a sui juris living and breathing man, an Act of God, and a foreign and immune state does hereby certify that on the 20th day of May, 2019 he mailed a true, correct, and complete copy of the below named documents to Justice Rudolph Contreras "in chambers" at the district court for the United States for the district of columbia at 333 Constitution Ave NW, Washington DC 20001-2866 and another copy to Attorney General WILLIAM BARR, agent for the US Department of Justice at 950 Pennsylvania Ave NW, RM 5111, Washington DC 20530-0001.

1. Affidavit or Declaration in Support of Petition to proceed without payment of court fees (IFP) with common law affidavit.
2. DEMAND FOR INJUNCTION FOR SPECIFIC PERFORMANCE AND SUMMARY JUDGMENT
3. Certificate of Service
4. Common Law Affidavit (2 witnesses) in support of Injunction and Summary Judgment
5. Three (3) attached Exhibits

, Without Prejudice, Without Recourse UCC 1-308

Philip Delgrosso, sui juris man, Act of God, foreign and immune state
C/O Federal Correctional Complex, C-4
PO Box 5000
Yazoo City, Mississippi
[39194]

AFFIDAVIT

I, Philip-Delgrosso, a *sui juris* man, an Act of God, and a foreign and immune state hereby swear and affirm that he has scribed and read the foregoing statements and facts, and in accordance with Affiant's firsthand knowledge and conviction, such are true, complete, and correct, and not misleading, the truth, the whole truth, and nothing but the truth, expressly not within the United States, under penalty of perjury.

Sworn and Affirmed this 20th day of May, 2019

Philip Delgrosso, Without Prejudice, Without Reservation UCC 1-308

Philip Delgrosso, a man, an Act of God, a foreign state

Witness #1

Witness #2

Exhibit 1

October 5th, 2018

Supervisory Attorney
 FOIA / Privacy Act Requests
 Federal Bureau of Prisons - DOJ
 Rm 924, HQLC Building
 320 First St, NW
 Washington, D.C. 20534

7015 1660 0000 5432 9595

Dear Sir/Madam:
 RE: PHILIP DELGROSSO # 25927-045

Please provide me with all BP-A0502 "ESCAPED TRIP AUTHORIZATIONS" FOR EACH AND EVERY TRIP THE ABOVE NAMED INMATE UNDERWENT WHILE INCARCERATED AT THE FEDERAL CORRECTIONAL COMPLEX LOW IN YA200 CITY, MS BETWEEN 2017-2018.

I ALSO REQUEST THE SAME BP-A0502 AUTHORIZATIONS FOR MY TRANSPORT FROM LEAVENWORTH CAMP, KS TO OKLAHOMA CITY, AND FROM OKLAHOMA CITY TO YA200 CITY IN 2017.

THIS REQUEST IS MADE UNDER THE PROVISIONS OF THE FOIA (FREEDOM OF INFORMATION ACT). I HAVE ATTACHED A COPY OF MY US DOJ FBOP PRISON IDENTIFICATION, AS THIS IS THE ONLY IDENTIFICATION PROVIDED TO INMATES.

Respectfully,

Signed By: Paul Dela Authorized Representative

PHILIP DELGROSSO # 25927-045
 % FEDERAL CORRECTIONAL COMPLEX, C4
 PO Box 5000
 YA200 CITY, MISSISSIPPI [39194]

(5)

SENT USPS CERTIFIED MAIL # 7015 1660 0000 5432 9595

Exhibit 2

USPS Tracking® FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 7015166000054329595

Remove

Expected Delivery on
MONDAY

15 OCTOBER
2018

[See Product Information](#)

Delivered

October 15, 2018 at 11:33 am
Delivered, To Mail Room
WASHINGTON, DC 20534

[Get Updates](#)

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check boxes and tell us appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

RECEIVED OCT 09 2018 Postmark Here

Postage \$

CSD-FCC, YAZOO CITY

Total Postage and Fees \$

Send To
Street and Apt. No., or P.O. Box No.
320 FIRST ST, NW RM 924 HOLLOWBANK
City, State, ZIP+4
WASHINGTON, DC 20534

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Text & Email Updates

Tracking History

Product Information

[See Less](#)

(6)

Exhibit 3



U.S. Department of Justice
Freedom of Information/Privacy Act

October 18, 2018

Philip Delgrosso
Reg. No. 25927-045
Federal Correctional Institution
P.O. Box 5000
Yazoo City, MS 39194

The Federal Bureau of Prisons is in receipt of your Freedom of Information Act/Privacy Act (FOIA) request, in which you are seeking a copy of 1)All BP-A0502 Escorted Trip Authorizations for each and every trip underwent while at Yazoo City during 2017 and 2018; and 2) All Escorted Trip Authorizations for transport from Leavenworth camp to Oklahoma City and from Oklahoma City to FCI Yazoo City

Your request has been assigned **FOIA/PA Request Number: 2019-00341**. The Processing Office for your request is: Roy Lathrop, Paralegal Specialist, Federal Correctional Institution, Southeast Region FOIA Processing Office, P.O. Box 725, Edgefield, South Carolina 29824.

Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request.

The BOP handles each request on a first in, first out basis in relation to other requests in the same track. Your request has been assigned to the complex track and placed in chronological order based on the date of receipt. We have also determined exceptional circumstances exist as the documents responsive to your request must be searched for and collected from a field office. Thus, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. Be advised that processing complex requests may take up to three months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have questions regarding the status of your request, you may contact the Processing Office in writing at the address above. You can also check the status of your request on line at <http://www.bop.gov/PublicInfo/execute/foia>.

Sincerely,

Roy Lathrop
Roy Lathrop, Paralegal Specialist